

JUDGE KAPLAN

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07CRIM 781UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : :

- v. - : **INDICTMENT**JOSE PETER SIERRA : **USDC SDNY**
a/k/a "Born," : **07 Cr.**
Defendant. : **DOCUMENT**-----x
COUNT ONE

ELECTRONICALLY FILED
DOC #:
DATE FILED: AUG 20 2007

The Grand Jury charges:

1. From in or about February 2006, through on or about March 3, 2006, in the Southern District of New York and elsewhere, JOSE PETER SIERRA, a/k/a "Born," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that, JOSE PETER SIERRA, a/k/a "Born," the defendant, would and did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others,

were committed in the Southern District of New York and elsewhere:

a. On or about March 3, 2006, JOSE PETER SIERRA, a/k/a "Born," the defendant, attended a meeting in the Bronx, New York to discuss the sale of approximately one kilogram of cocaine.

b. On or about March 3, 2006, JOSE PETER SIERRA, a/k/a "Born," the defendant, received approximately \$13,000 in United States currency as partial payment for approximately one kilogram of cocaine.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about February 2006, in the Southern District of New York and elsewhere, JOSE PETER SIERRA, a/k/a "Born," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, JOSE PETER SIERRA, a/k/a "Born," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any and all property constituting and derived from any proceeds that SIERRA obtained directly and indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One and Two of this Indictment, including, but not limited to, a sum of money of at least \$13,000 in United States currency, representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant--

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value;
- (5) has been commingled with other property which

cannot be divided without difficulty; it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

JOSE PETER SIERRA,
a/k/a "Born,"

Defendant.

INDICTMENT

07 Cr.

(Title 21, United States Code,
Sections 812, 841(a)(1), 841(b)(1)(A),
846; Title 18, United States Code,
Section 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Michael J. Garcia
Foreperson.

Filed indictment. Case assigned to Judge Kaplan.

Francis, J.

SRM 8/20/07